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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 (SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX	) MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND	)
PRODUCT LIABILITY LITIGATION	)
_____	)
ACQUAROLE, et al.,	) CASE NO. CGC-06-449463
	) MDL Case No. 06-2392 CRB
	)
Plaintiffs,	) STIPULATION AND ORDER OF
	) DISMISSAL WITH PREJUDICE
vs.	) AS TO PLAINTIFF CYNTHIA TOLSTYGA
	)
PFIZER, INC., et al.	)
	)
Defendants.	)
_____	)

COME NOW, Plaintiff CYNTHIA TOLSTYGA and Defendants PFIZER, INC., et al.,  
 by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
 AS TO PLAINTIFF CYNTHIA TOLSTYGA**

1 41(a), and hereby stipulate to the dismissal of Plaintiff CYNTHIA TOLSTYGA from this action,  
2 with prejudice, each side bearing its own attorney's fees and costs.  
3

4 Respectfully submitted,

5 Dated: September 24, 2009

6 **KABATECK BROWN KELLNER LLP**

7  
8 By: 

9 Brian S. Kabateck, Esq.

10 Attorneys for Plaintiff CYNTHIA TOLSTYGA

11 Dated: October 27, 2009

12 **DLA PIPER LLP**

13 By: /S/

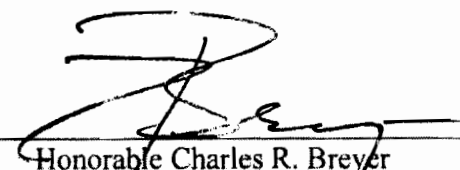
14 Matthew A. Holian

15 Attorney for Defendants PFIZER, INC., et al.

16 **ORDER**

17  
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**  
19 **SO ORDERED.**

20  
21 Dated: OCT 28 2009

22   
23 Honorable Charles R. Breyer  
24 United States District Court  
25  
26  
27  
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